

*Electronically Filed
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SHERIFF OF COUNTY OF SANTA CLARA

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

ANTHONY THOMAS and WENDI
THOMAS,

AT EMERALD, LLC,

Debtors.

Case No. BK-N-14-50333-gs (LEAD)

Case No. BK-N-14-50331-gs
(Jointly Administered)

Chapter 7

JERI COPPA-KNUDSON, TRUSTEE,

Plaintiff,

Adv. Proc. No. 17-05005-gs

vs.

**AMENDED NOTICE OF HEARING ON
MOTION TO SET ASIDE DEFAULT
JUDGMENT, OR IN THE ALTERNATIVE
FOR CLARIFICATION**

KENNETH CONETTO, ESTATE OF ERIC
KITCHEN, KIMBERLY KLOTZ, WAYNE
CATLETT and SHERIFF OF SANTA
CLARA COUNTY,

Orig Hearing Date: April 17, 2019
Orig Hearing Time: 2:00 p.m.

Defendants.

New Hearing Date: May 13, 2019
New Hearing Time: 2:00 p.m.
Judge: Hon. Gary Spraker

ADV. PROC. NO. 17-05005-btb

NOTICE OF HEARING ON MOTION TO SET ASIDE DEFAULT OR FOR CLARIFICATION

NOTICE IS HEREBY GIVEN that a **MOTION TO SET ASIDE DEFAULT JUDGMENT, OR IN THE ALTERNATIVE FOR CLARIFICATION** was filed on March 18, 2019 (Dkt. #30), by defendant Sheriff of County of Santa Clara. The Motion requests that the Court set aside the default judgment entered against Defendants Estate of Eric Kitchen, Kimberly Klotz, and Wayne Catlett, or in the alternative, require the Trustee to obtain and file with this Court Defendant Kenneth Conetto's signed stipulation stating that he has no legal interest or entitlement to the Santa Clara Emerald currently in the possession of the Sheriff of County of Santa Clara.

NOTICE IS FURTHER GIVEN that if you want the court to consider your views on the Motion, then you must file an opposition with the court, and serve a copy on the person making the Motion *no later than 14 days* preceding the hearing date of the motion, unless an exception applies (see Local Rule 9014(d)(3)). The opposition must state your position, set forth all relevant facts and legal authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

The Court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that the hearing on the said Motion, originally scheduled for April 17, 2019, at 2:00 p.m. before the Honorable Bruce T. Beesley, has been rescheduled to a hearing date for the Honorable Gary Spraker and will be held in the Clifton Young Federal Building, 300 Booth Street, Fifth Floor, Bankruptcy Courtroom No. 2, Reno, Nevada 89509 on **May 13, 2019 at the hour of 2:00 p.m.**

DATED this 3rd day of April, 2019. KAEMPFER CROWELL

By: /s/ Louis M. Bubala III

LOUIS M. BUBALA III, ESQ.

Attorneys for Sheriff of County of Santa Clara

CERTIFICATE OF SERVICE

Pursuant to FRBP 7005 and FRCP 5(b), I certify that I am an employee of Kaempfer Crowell, that I am over the age of 18 and not a party to the above-referenced case, and that on April 3, 2019 I filed and served the foregoing **AMENDED NOTICE OF HEARING ON MOTION BY TO SET ASIDE DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, FOR CLARIFICATION** as indicated:

X **BY NOTICE OF ELECTRONIC FILING:** through Electronic Case Filing System of the United States Bankruptcy Court, District of Nevada, to the individuals and/or entities at their email addresses as set forth below:

- Jeffrey L. Hartman: notices@bankruptcyreno.com; abg@bankruptcyreno.com
- Jeri Coppa-Knudson: renobktrustee@gmail.com, jcoppaknudson@ecf.epiqsystems.com
- Phillip K. Wang on behalf of Defendant Sheriff of Santa Clara County: phillip.wang@rimonlaw.com, tad.prizant@rimonlaw.com

X **BY MAIL:** by placing the document listed above in a sealed envelope with Postage thereon fully prepaid in the United States Mail at Reno, Nevada, and addressed as set forth below. I am readily familiar with my office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on April 3, 2019, with postage thereon fully prepaid in the ordinary course of business.

Wayne Catlett
PO Box 5692
Santa Barbara, CA 93150-0647

Kenneth Conetto
3637 Snell Avenue, Sp. 51
San Jose, CA 95136-1316

I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 3, 2019

/s/ Merrillyn Marsh
An Employee of KAEMPFER CROWELL